Chapter 6

General Shoreline Development Policies and Use Regulations

These general policies and regulations apply to all uses permitted along the shorelines. When these restrictions conflict with other ordinances, the more stringent requirements shall be applicable.

General policies and regulations have been developed for the following:

1. Environmental Impacts
2. Environmentally Sensitive Areas: General
3. Environmentally Sensitive Areas: Floodplains
4. Environmentally Sensitive Areas: Wetlands
5. Public Access

In addition to the general policies and regulations listed above, all proposed developments must comply with the policies for shorelines of statewide significance. Those policies are listed in Chapter 3.

Reader's Key

The following abbreviations and terms are used in this chapter. For ease of reading, a quick definition is provided here. These terms are defined in more detail in the following text and again in the Definitions section at the end of this Shoreline Master Program.

Abbreviation	Term	Meaning
AKART -	All Known, Available, and Reasonable methods of prevention, control, and Treatment	The most current methodology that can be reasonably required for preventing, controlling, or abating the pollutants associated with a discharge.
BMP	Best Management Practices	Methods of improving water quality; typically applied to nonpoint source pollution controls; considered a subset of the AKART requirement

Abbreviation	Term	Meaning
PFC	Properly Functioning Conditions	Conditions that create and sustain natural habitat-affecting processes over the full range of environmental variation, and that support productivity at a viable population level of PTE species. PFC indicate a level of performance for a subset of the more broadly defined "ecological functions."
PTE Species	Proposed, Threatened and Endangered Species.	Those native species proposed to be listed or listed in rule by the Washington State Department of Fish and Wildlife as threatened or endangered; or are listed or proposed to be listed as threatened or endangered under the federal Endangered Species Act.
--	Ecological Functions	Those functions that are considered necessary for the recovery of PTE species.

I. Environmental Impacts

Definitions

Environmental Impacts. The effects or consequences of actions on the natural and built environments. Environmental impacts include effects upon the elements of the environment listed in the State Environmental Policy Act (SEPA) (WAC 197-11-600 and WAC 197-11-444)

AKART. An acronym for "all known, available, and reasonable methods of prevention, control, and treatment" (WAC 173-201A-020). AKART shall represent the most current methodology that can be reasonably required for preventing, controlling, or abating the pollutants associated with a discharge. The concept of AKART applies to both point and nonpoint sources of pollution.

Best Management Practices. The term "best management practices (BMPs)," is typically applied to nonpoint source pollution controls and is considered a subset of the AKART requirement.

Mitigation. The steps necessary to avoid minimize, or compensate for environmental impacts as listed in WAC 173-26-020 (30). Defined further in the *Definitions* section.

Proposed, Threatened, and Endangered (PTE) Species. Those native species that are proposed to be listed or are listed in rule by the Washington State Department of Fish and Wildlife as threatened or endangered, or that are proposed to be listed as threatened or endangered or that are listed as threatened or endangered under the federal Endangered Species Act.

Properly Functioning Conditions (PFC). Conditions that create and sustain natural habitat-affecting processes over the full range of environmental variation, and that support productivity at a viable population level of PTE species. PFC indicates a level of performance for a subset of the more broadly defined "ecological functions," reflecting what is necessary for the recovery of PTE species.

Environmental Impact Policy

1. The adverse impacts of shoreline developments and activities on the natural environment, including critical areas and properly functioning conditions (PFC) for proposed, threatened, and endangered (PTE) species, and on the built environment should be minimized during all phases of development (e.g., design, construction, operation, and management).

2. Shoreline developments that protect and/or contribute to the long-term restoration of PFC for PTE species are consistent with the fundamental goals of this Master Program. Shoreline developments that propose to enhance critical areas, other natural characteristics, resources of the shoreline, and provide public access and recreational opportunities to the shoreline are also consistent with the fundamental goals of this Master Program, and should be encouraged.

General Environmental Impact Regulations

1. All shoreline development and activity shall comply with applicable plans, policies, regulations, and rules of local, regional, state, and federal jurisdictions.

2. All shoreline development and activity shall be located, designed, constructed, and managed in a manner that mitigates adverse impacts to the environment. The preferred mitigation sequence shall follow that listed in WAC 173-26-020 (30).

3. All shoreline development and activity shall be located, designed, constructed, and managed in a manner that conserves PFC for PTE species, or does not preclude the long-term recovery of PFC for PTE species.

4. All shoreline development shall be located, designed, constructed, and managed to protect the functions and values of critical areas consistent with the Sumner Critical Area Regulations (SMC Title 16).

5. All shoreline development shall be located and designed to avoid or minimize the need for shoreline stabilization measures and flood protection works, such as bulkheads, revetments, dikes, levees, dikes, or substantial site regrades. Where measures and works are demonstrated to be necessary, biostabilization techniques shall be the preferred design option unless demonstrated to be infeasible or where other alternatives will provide less impact to the shoreline environment.

6. All shoreline development and activity shall be located, designed, constructed, operated, and managed to minimize interference with beneficial natural shoreline processes including those that contribute to PFC for PTE species, such as water circulation, sand and gravel movement, erosion, and accretion.

7. All shoreline development and activity shall recognize the primacy of preserving the natural character of the White (Stuck) and Puyallup Rivers and the PFC supported by these river systems, as required for shorelines of statewide significance.

8. In approving shoreline developments, the City of Sumner shall ensure that the development will maintain, enhance, or restore desirable shoreline features, as well as protect PFC or contribute to the long term recovery of PFC for PTE species. To this end, the City may adjust and/or prescribe project dimensions, location of project components on the site, intensity of use, and screening as deemed appropriate.

9. In approving shoreline developments, the City of Sumner shall consider short and long term adverse environmental impacts. In addition, the City of Sumner shall consider the cumulative adverse impacts of the development, particularly the precedential affect of allowing one development, which could generate or attract additional development. Identified significant short term, long term, and cumulative adverse environmental impacts lacking appropriate mitigation shall be sufficient reason for permit denial.

10. Shoreline development shall not be permitted if it significantly impacts the natural character of the shoreline, natural resources, or public recreational use of the shoreline. Shoreline development shall also not be permitted if it reduces PFC or it significantly precludes opportunities for the long-term recovery of PFC. "Significant" is used as defined in SEPA (WAC 197-11-794).

Earth

1. Gravel bars and other accretion shoreforms are valued for recreation and in some cases may provide fish spawning substrate, an important element of PFC. Therefore, developments that could disrupt these shoreforms shall be carefully evaluated and only allowed: when such disruption would not reduce PFC for PTE species or preclude long-term recovery of PFC; where there is a demonstrated public benefit; and where the Department of Fish and Wildlife determines there would be no significant impact to the fisheries resource.

2. Developments that alter the topography of the shoreline shall be carefully evaluated to determine if flood events will increase in frequency or severity either upstream or downstream of the site. Developments that alter the topography of the shoreline shall only be approved if flood events will not increase in frequency or severity as a result of the project.

3. Developments that alter the topography of the shoreline shall be carefully evaluated to determine if such alteration would impact natural habitat forming processes and reduce PFC for PTE species. Mitigation shall be required for projects that would otherwise reduce PFC or preclude the long-term recovery of PFC.

4. An erosion and sedimentation control program shall be submitted with an permit application that involves the removal of vegetation, stockpiling of earth or other materials, or any activity that could result in shoreline erosion and siltation of the Puyallup or White (Stuck) Rivers and their associated wetlands.

5. The proponent shall incorporate AKART measures into the erosion and sedimentation control program. The Administrator shall determine what

AKART measures are applicable for erosion and sedimentation control for projects in shorelines.

6. Temporary and emergency control drainage measures, such as silt curtains, berms, and stormwater catch basins, shall be utilized during construction to prevent shoreline erosion and siltation of the waterbody.

7. All debris, overburden, and other waste materials from construction shall be disposed of in such manner as to prevent their entry into a waterbody by erosion.

8. All disposal sites for soils and materials resulting from the shoreline development shall be identified and approved before permit issuance.

Air

1. The applicant shall identify any emissions from the proposed development that may result in degradation of shoreline air quality. Emissions shall include any compounds, chemicals, or pollutants that will be released into the air, odor, fugitive dust, and vehicle exhaust.

2. The applicant shall indicate in what quantity emissions will be released into the air and how these emissions will be controlled or eliminated.

Water

1. Shoreline development and activity shall maintain PFC for PTE species.

2. Shoreline development and activity shall avoid any further alteration of natural river currents, channel migration zones, geohydraulic processes, surface water drainage, floodwater capacity, or groundwater recharge.

3. All practicable measures shall be taken to protect waterbodies and wetlands from all sources of pollution, including, but not limited to sedimentation and siltation, petrochemical use and spillage, and storage of wastes and spoils.

4. Adequate provisions to prevent water runoff from contaminating surface and groundwater shall be included in shoreline development design. The Administrator shall specify the method of surface water control and maintenance program for shorelines.

5. Hazardous and/or toxic materials shall be PROHIBITED within shoreline jurisdiction. In addition, emergency methods shall be available to prevent hazardous and/or toxic materials from entering the Puyallup or Stuck Rivers and their associated wetlands, if these substances are used or stored in a portion of a shoreline development that extends outside of shoreline jurisdiction.

6. For lawns and other vegetation maintained within shoreline jurisdiction, alternatives to the use of chemical fertilizers, herbicides, and pesticides shall be a preferred BMP. Where chemical fertilizer, herbicide, or pesticide use is necessary for protecting existing natural vegetation or establishing new vegetation in shoreline areas as part of an erosion control or mitigation plan, the

use of time release fertilizer and herbicides shall be preferred over liquid or concentrate application.

7. The release of oil, chemical, or hazardous materials onto or into the water is prohibited. Equipment for the transportation, storage, handling, or application of such materials shall be maintained in a safe and leak-proof condition. If there is evidence of leakage, the further use of such equipment shall be suspended until the deficiency has been satisfactorily corrected. During construction in shoreline areas, the exclusion of vehicle refueling or vehicle maintenance from shoreline areas shall be the preferred BMP. The bulk storage of oil, fuel, chemical, or hazardous materials, on either a temporary or permanent basis, shall not occur in shorelines without adequate secondary containment.

8. All measures for the treatment of surface water runoff for the purpose of maintaining and/or enhancing water quality shall be conducted on-site, unless off-site options can be demonstrated to be more beneficial for PFC for PTE species. Only if on-site treatment is not possible or determined to not be as beneficial to PFC of PTE as off-site mitigation, will off-site treatment facilities be considered.

Plants and Animals

1. In general, this Master Program shall strive to protect and restore anadromous fish resources in the White (Stuck) and Puyallup Rivers.

2. Shoreline development and activity shall be located and conducted in a manner that minimizes impacts to existing ecological values and natural resources of the area, conserves properly functioning conditions, and does not preclude the recovery of PFC elements.

3. Shoreline development and activity shall be scheduled to protect biological productivity and to minimize interference with fish resources including salmonid migration, spawning, and rearing activity.

4. Projects shall be designed to avoid the removal of trees in shorelines, wherever practicable and to minimize the removal of other woody vegetation. Where riparian vegetation is removed, measures to mitigate the loss of vegetation shall be implemented to assure no reduction in PFC for PTE species.

5. Shoreline activities and development projects shall minimize impacts to natural features of the shoreline as much as possible.

6. Shoreline development and activity shall maintain the unconstrained upstream and downstream migration of both adult and juvenile anadromous and resident fish, when applicable.

7. Mitigation shall be required of the proponent for the loss of fish and wildlife resources, natural systems, including riparian vegetation, wetlands and sensitive areas or other potential reductions in PFC.

The mitigation required shall be commensurate to the value and type of resource or system impacted by development and activity in the shoreline. On-site compensatory mitigation shall be the preferred mitigation option, except where off-site mitigation can be demonstrated to be more beneficial to fish and wildlife resources, natural systems, including riparian vegetation, wetlands and sensitive areas or elements of PFC. If on-site compensatory mitigation is not feasible or if off-site mitigation is demonstrated to be more beneficial to the shoreline environment, participation in a publicly sponsored restoration or enhancement program or credits from a state certified mitigation in accordance with chapter 90.84 RCW and chapter 173-700 WAC shall be the preferred option.

8. Enhancement, restoration, and/or creation of coniferous riparian forest or forested riparian wetland shall be the preferred mitigation for impacts to riparian vegetation and wetlands when avoidance is not possible.

9. Where mitigation for loss of or impact to PFC, natural systems, and resources is required, a mitigation plan shall be proposed by the proponent, subject to the approval of City the Washington Department of Fish and Wildlife, and the Washington Department of Ecology. This mitigation plan shall detail the objectives, methods for achieving mitigation and propose performance standards to measure the success of the plan. The mitigation plan shall include the appropriate level detail necessary to implement the plan

10. Mitigation activities shall be monitored to determine effectiveness of the mitigation plan. Monitoring shall be accomplished by a third party, subject to the approval of the Administrator, and shall have the concurrence of the Washington Department of Fish and Wildlife, and, where applicable, the Washington Department of Ecology. Monitoring shall occur over five years following implementation of the plan Results of the monitoring shall be publicly available.

11. If mitigation is found to be ineffective, corrective action will be required of the proponent, which satisfies the mitigation objectives.

12. If mitigation is found to be inadequate or if adequate mitigation is determined to be impossible, the application will be denied.

13. Timing of in-water construction, development, or activity shall be determined by Washington Department of Fish and Wildlife

Noise

1. Noise levels shall not interfere with the quiet enjoyment of the shoreline.

2. Ambient noise levels shall be a factor in evaluating a shoreline permit application. Shoreline developments that would increase noise levels to the extent that the natural character of the shoreline would be disrupted shall be prohibited.

Public Health

All shoreline developments shall be located, constructed, and operated so as not to be a hazard to public health and safety.

Land Use

1. The size of the shoreline development and the intensity of the use shall be compatible with the surrounding environment and uses. The City of Sumner may prescribe operation intensity, landscaping, and screening standards to ensure compatibility with the character and features of the surrounding area.

2. Shoreline developments shall minimize land use conflicts to properties adjacent to, upstream, and downstream of the proposed site.

3. In reviewing shoreline permit applications, the City of Sumner shall consider potential and current public use of the shoreline, total water surface reduction, and restriction to navigation.

Aesthetics

1. Shoreline development shall be designed and located to be aesthetically compatible with the area.

2. Shoreline development shall not impair shoreline views enjoyed by local residents and user groups.

3. The applicant for a shoreline development permit for a new development must indicate in the shoreline application the effect that the proposed development will have upon the any scenic views at the proposed site. Specifically, the applicant must state in the shoreline permit application what steps have been taken in the design of the proposed development to minimize interference with a scenic view enjoyed by a significant number of people in the area.

4. If required by the Shoreline Administrator, the applicant shall provide a landscape plan that provides suitable screening but does not block scenic views.

5. Development on or over the water shall be constructed as far landward as possible to avoid interference with views from surrounding properties and adjoining waters.

6. Development on the water shall be constructed of non-reflective materials that are compatible in terms of color and texture with the surrounding area.

7. Lighting shall be properly directed or shielded to avoid off-site glare.

Historical/Cultural

1. Wherever possible, public or private developments shall be prevented from destroying or destructively altering potential or recognizable sites having historic, cultural, scientific, or educational value as identified by appropriate authorities.

2. All shoreline permits shall contain provisions that require developers to immediately stop work and notify the City of Sumner if any items of archaeological interest are uncovered during excavation. In such cases, the developer shall be required to allow site inspection and evaluation by a professional archaeologist to ensure that all possible valuable archaeological data is properly salvaged.

3. Where archaeological or historic sites have been identified, public access shall be required, provided the development is consistent with the provisions for public access and provided further it is determined that public access to the site will not damage or reduce the cultural value of the site.

2. Environmentally Sensitive Areas - General

Definition

Environmentally sensitive areas are those lands especially vulnerable to development because of fragile biophysical characteristics and/or important resource values. Environmentally sensitive areas include but are not limited to:

- Floodplains
- Wetlands
- Unstable slopes
- Wildlife habitat areas
- Fish breeding, rearing, or feeding areas.

Environmentally Sensitive Area General Policies

1. Unique, rare, and fragile natural and manmade features as well as scenic vistas, and wildlife habitats should be preserved and protected.

2. The diversity of aquatic life, wildlife, and habitat within the shoreline should be enhanced.

3. Conserve and maintain designated open spaces for ecological reasons and for educational and recreational purposes.

4. Recognize that the interest and concern of the public is essential to the improvement of the environment and sponsor and support public information programs to that end.

5. The level of public access should be appropriate to the degree of uniqueness or fragility of the geological and biological characteristics of the shoreline (e.g., wetlands, spawning areas).

6. Intensive development of shorelines areas that are identified as hazardous or environmentally sensitive to development should be discouraged.

Environmentally Sensitive Area General Regulations

In compliance with the Growth Management Act (GMA), the City of Sumner developed critical area regulations. Those regulations have been reviewed and updated to be consistent with the environmentally sensitive area regulations in this shoreline master program.

1. All shoreline uses and activities shall be located, designed, constructed and managed to protect and/or not adversely affect those natural features which are valuable, fragile or unique in the region, and to facilitate the appropriate intensity of human use of such features, including but not limited to:

    a) Wetlands, including but not limited to marshes, bogs, and swamps;

    b) Fish and wildlife habitats, including streams, migratory routes, and spawning areas;

    c) Natural or man-made scenic vistas or features;

    d) Floodways;

    e) Geologically hazardous areas, including erosion, landslide, steep slope and seismic hazard areas; and

    f) Ground water (aquifer) recharge areas.

2. All uses, developments, and activities on sites within the shoreline jurisdiction must comply with all applicable federal, state and local management codes and regulations, including those administered or required by the Army Corps of Engineers, the Federal Emergency Management Agency, the U.S. Department of Agriculture, the National Marine Fisheries Service, the US Fish and Wildlife Service, the State Department of Fisheries and Wildlife, the State Department of Ecology, the State Department of Agriculture, the State Environmental Policy Act, the Sumner Critical Areas Regulations (Sumner Municipal Code, Title 16), the Sumner Comprehensive Plan, zoning regulations, and other applicable local land use codes and development regulations.

3. The standards of the Sumner Critical Area Regulations shall apply within areas landward of the ordinary high water mark (OHWM) and within the shoreline jurisdiction, where environmentally sensitive areas are present. If there are any conflicts or unclear distinctions between the Master Program and the Sumner Critical Areas Regulations, the most restrictive requirements apply.

4. The use of herbicides and pesticides shall be PROHIBITED to remove noxious plants in rivers, streams, and wetland areas, except where no reasonable alternatives exist and it is demonstrated that such activity is in the public interest. A conditional use permit shall be required in

such cases. Mechanical removal of noxious weeds shall be timed and carried out in a manner to minimize any disruption of wildlife or habitat.

3. Environmentally Sensitive Areas - Floodplain Management

The following policies and regulations must be factored into decisions regarding all flood management planning and development within that portion of the 100-year floodplain that falls within Sumner's shoreline jurisdiction. In addition, specific policies and regulations for dikes and levees are provided in Chapter 7, under Shoreline Modification use requirements.

Definition

Floodplain management involves actions taken with the primary purpose of preventing or mitigating damage due to flooding. Floodplain management can involve planning and zoning to control development, either to reduce risks to human life and property or to prevent development from contributing to the severity of flooding. Floodplain management can also address the design of developments to reduce flood damage and the construction of flood controls, such as dikes, dams, engineered floodways, and bioengineering.

Floodplain Management Policies

1. Flood management planning should be undertaken in a coordinated manner among affected property owners and public agencies and should consider the entire river system. This planning should consider off-site impacts such as erosion, accretion, and/or flood damage that might occur if shore protection structures are constructed.

2. Non-structural control solutions are preferred over structural flood control devices, and should be used wherever possible. Non-structural controls include such actions as prohibiting or limiting development in areas that are historically flooded or limiting increases in peak flow runoff from new upland development. Structural solutions to reduce shoreline damage should be allowed only after it is demonstrated that non-structural solutions would not be able to reduce the damage.

3. Substantial stream channel modification, realignment, and straightening should be discouraged as a means of flood protection.

4. Where possible, public access should be integrated into the design of publicly financed flood management facilities.

Floodplain Management Regulations

1. The City shall require and utilize the following information during its review of shoreline flood management projects and programs.

    - River channel hydraulics and floodway characteristics up and downstream from the project area.

- Existing shoreline stabilization and flood protection works within the area.
- Physical, geological, and soil characteristics of the area.
- Biological resources and predicted impact to riverine ecology, including fish, vegetation, and animal habitat.
- Predicted impact upon area shore and hydraulic processes, adjacent properties, and shoreline and water uses; and,
- Analysis of alternative flood protection measures, both non-structural and structural.

2. The City shall require professional design of flood protection works where such projects may cause interference with normal river geohydraulic processes, off-site impacts, or adverse effects to shoreline resources and uses. Non-structural methods of flood protection shall be preferred over structural solutions.

3. Shoreline developments and activities shall not reduce the effective base flood storage volume of the floodplain. Grading or other activity that would reduce the effective storage volume must be mitigated by creating compensatory storage on the site, or off-site if legal arrangements can be made to assure that the effective compensatory storage volume will be preserved over time.

4. No development shall cause an increase in the 100-year flood elevation, unless appropriate legal documents are prepared in which all property owners affected by the increased flood elevations consent to the impacts on their property. These documents shall be filed with the title of record for the affected properties.

5. Flood protection measures shall be planned and constructed based on a state approved flood control management plan, when available, and in accordance with the National Flood Insurance Program and the City of Sumner's Flood Damage Prevention code, Chapter 15.52.

4. Environmentally Sensitive Areas - Wetlands

Definition

Wetlands are lands transitional between terrestrial and aquatic systems where saturation with water is the dominant factor determining plant and animal communities and soil development. For the purposes of this definition, these areas must have one or more of the following attributes:

- At least periodically, the land supports predominantly hydrophytes; and/or
- The substrate is predominantly undrained hydric soil.

Hydrophytes are those plants capable of growing in water or on a substrate that is at least periodically deficient in oxygen (anaerobic) as a result of excessive water content. Hydric soils include those soils that are wet long enough to periodically produce anaerobic conditions, thereby influencing the growth of plants.

Wetland Policies

1. Wetland ecosystems serve many important ecological and environmental functions, which are beneficial to the public welfare. Such functions include flood storage and conveyance, erosion control, sediment control, fish production, fish and wildlife habitat, recreation, water quality protection, water supply, education, and scientific research. Wetland ecosystems should be preserved and protected to prevent their continued loss and degradation.

2. Wetland areas should be identified according to established identification and delineation procedures and provided appropriate protection consistent with the policies and regulations of this program.

3. The greatest protection should be provided to wetlands of exceptional resource value, which are defined as those wetlands that include rare, sensitive, or irreplaceable systems such as:

    - Documented or potential habitat for an endangered, threatened, or sensitive species.

    - High quality native wetland systems as determined by the Washington State Natural Heritage Program.

    - Significant habitat for fish or aquatic species as determined by the appropriate state resource agency.

    - Diverse wetlands exhibiting a high mixture of wetland classes and subclasses as defined in the US Fish and Wildlife Service classification system.

    - Mature forested swamp communities.

    - Sphagnum bogs or fens.

4. A wetland buffer of adequate width should be maintained between a wetland and the adjacent development to protect the functions and integrity of the wetland.

5. The width of the established buffer zone should be based upon the functions and sensitivity of the wetland, the characteristics of the existing buffer, and the potential impacts associated with the adjacent land use.

6. All activities that could potentially affect wetland ecosystems should be controlled both within the wetland and the buffer zone to prevent adverse impacts to the wetland functions.

7. No wetland alteration should be authorized unless it can be shown that the impact is both unavoidable and necessary and that resultant impacts are

offset through the deliberate restoration, creation, or enhancement of wetlands.

8. Wetland restoration, creation, and enhancement projects should result in no net loss of wetland acreage and functions. Where feasible, wetland quality should be improved.

9. Wetlands that are impacted by activities of a temporary nature should be restored immediately upon project completion.

10. In-kind replacement of functional wetland values is preferred. Where in-kind replacement is not feasible or practical due to the characteristics of the existing wetland, substitute ecological resources of equal or greater value should be provided.

11. On-site replacement of wetlands is preferred. Where on-site replacement of a wetland is not feasible or practical due to characteristics of the existing location, replacement should occur within the same watershed and in as close proximity to the original wetland as possible.

12. Where possible, wetland restoration, creation, and enhancement projects should be completed prior to wetland alteration. In all other cases, replacement should be completed prior to use or occupancy of the activity or development.

13. Applicants should develop comprehensive mitigation plans to ensure long-term success of the wetland restoration, creation, or enhancement project. Such plans should provide for sufficient monitoring and contingencies to ensure wetland persistence.

14. Applicants should demonstrate sufficient scientific expertise, supervisory capability, and financial resources to complete and monitor the mitigation project.

15. Proposals for restoration, creation, or enhancement should be coordinated with appropriate resource agencies to ensure adequate design and consistency with other regulatory requirements.

16. Activities should be prevented in wetland buffer zones except where such activities have no adverse impacts on wetland ecosystem functions.

17. Wetland buffer zones should be retained in their natural condition unless revegetation is necessary to improve or restore the buffer.

18. Wetland education programs should be developed to increase awareness of the importance of wetlands and to inform the citizenry of protective wetland regulations.

19. The City of Sumner should distribute wetland education materials to schools, landowners, and developers in the Sumner area.

Wetland Regulations

1. No development or activity, including removing or disturbing soil, filling, changing the water level, placing obstructions, constructing a structure, destroying or altering vegetation, or introducing pollutants may be permitted within a wetland or its buffer unless authorized by a conditional use permit.

2. For identifying and delineating wetlands, applicants shall use the *Sumner Critical Areas Regulation (SMC Title 16)*. The wetland delineation report shall follow the format provided the Sumner Department of Community Development.

3. Development or activities shall not be authorized in a wetland except where it can be demonstrated that:

   - The impact is both unavoidable and necessary.

   - In order to demonstrate that impacts are unavoidable and necessary, the applicant must demonstrate that there are no practicable development alternatives that would not involve a wetland or that would not have less adverse impact on a wetland. In addition, it must be demonstrated that the proposed alteration would not have other significant adverse environmental consequences.

   - Unavoidable and necessary impacts are offset through the deliberate restoration, creation, or enhancement of wetlands of equivalent or greater resource value, including acreage and function.

   - The restored, created, or enhanced wetland will be as persistent as the wetland it replaces, and

   - The applicant demonstrates sufficient scientific expertise, supervisory capability, and financial resources to carry out the proposed replacement activity.

4. For wetlands of exceptional resource value, the applicant, in addition to complying with the provisions above, shall demonstrate that there is a compelling public need for the proposed activity or that denial of the permit would impose an extraordinary hardship on the part of the applicant brought about by circumstances inherent in the property.

5. In-kind replacement of functional values shall be provided, unless it is found that in-kind replacement is not feasible or practical due to the characteristics of the existing wetland and a greater benefit can be demonstrated by an alternative. In such cases, substitute resources of equal or greater ecological value shall be provided.

6. Wetland functional values shall be determined by a qualified wetland ecologist. The Administrator shall determine whether wetland ecologists are qualified.

7. On-site replacement shall be provided, unless it is found that on-site replacement is not feasible or practical due to physical features of the

property and a greater benefit can be demonstrated by an alternative. In such cases, replacement shall occur within the same watershed and in as close proximity to the original wetland as possible.

8. At a minimum, wetland acreage shall be replaced at a ratio of one-to-one (1:1) acreage replaced to acreage lost. For wetlands of exceptional resource value, the minimum acreage replacement ratio shall be six-to-one (6:1). Actual replacement acreage will be determined case-by-case, based on the following criteria.

    - Projected losses or gains in functional values.
    - Location of replacement wetlands.
    - The time required to reestablish lost functions.
    - Uncertainty regarding the probable success of the project.
    - The type of compensation. Enhancement proposals shall require twice the acreage replacement as restoration and creation proposals.

9. Replacement wetlands shall be completed prior to or concurrent with wetland alteration, and immediately after activities that will temporarily disturb wetland functions.

10. A compensation plan shall be required for developments or activities that result in unavoidable and necessary wetland alterations. The plan shall include the following elements:

    - Baseline information for the impacted wetland and the proposed replacement site.
    - Environmental goals and objectives describing the purpose of the mitigation measures, a description of the site selection criteria, and identification of target evaluation species and resource functions.
    - Performance standards, including specific criteria for fulfilling goals and objectives, and for beginning remedial action or contingency measures.
    - Detailed construction plan including work schedule, revegetation information, buffers, estimated cost, site plan with contours and elevation, and other information.
    - Monitoring program outlining the approach for assessing a completed project over a five-year period. A report shall be submitted annually, at a minimum documenting milestones, success, problems, and contingency actions; and
    - Contingency plan identifying potential courses of action, and any corrective measures to be taken when monitoring or evaluation indicate that project performance standards are not being met.

11. Where restoration, creation, or enhancement activities are proposed, the applicant shall be required to:

    - File a performance bond in an amount to enable the regulatory authority to carry out the compensation plan should the applicant fail to do so; and

    - Compensation areas shall be permanently protected through legal instruments such as sensitive area tracts, conservation easements, or a comparable use restriction.

12. A wetland buffer shall be required adjacent to all wetland areas. This buffer shall be determined by a qualified wetland scientist and shall be of sufficient width to protect the identified wetland functions.

13. Wetland buffer zones shall be retained in their natural condition. Where buffer disturbance has occurred during construction, revegetation with native vegetation may be required. Developments and activities shall not be allowed within the buffer except for minor activities that are found to have no adverse impact on the wetland functions or integrity.

14. The location of all required buffer zones shall be clearly and permanently marked on any project site prior to initiation of site work.

15. If a wetland of exceptional value is adjacent to a public access trail required under the provisions of this Master Program, then interpretive signage is required. The interpretive signage shall explain why the wetland is considered valuable. The Administrator shall determine the type and extent of interpretive signage required.

5. Public Access

Definitions

Shoreline public access is the physical ability of the general public to reach and touch the water's edge and/or the ability to have a view of the water and the shoreline from upland locations. There are a variety of types of public access, including picnic areas, pathways and trails, promenades, bridges, street ends, ingress and egress, parking and others, although some of these are not currently provided along the City of Sumner's shorelines.

Physical Public Access. Unobstructed access with public use improvements that are available to the general public and that extend from the land to the ordinary high water mark or to the wetland directly abutting the ordinary high water mark.

Visual Access. Access with improvements that provide a view of the shoreline or water, but do not allow physical access to the shoreline.

Limited public access (physical or visual). Restrictions on access that are deemed necessary for the health, safety or welfare of the public or for the protection and maintenance of the particular site. Restrictions may delineate times or allow access to only residents of a certain community or housing tract.

Public Access Policies

1. Public access to the Sumner shorelines does not include the right to enter upon or cross private property, except for on dedicated public easements.

2. Public access provisions should be incorporated into all private and public developments. Exceptions may be considered for the following types of uses:

   - A single family residence.

   - An individual multi-family structure containing fewer than three (3) dwelling units; and

   - Where deemed inappropriate, in accordance with Public Access Regulation #1, below.

3. Development uses and activities on or near the shoreline should not impair or detract from the public's visual or physical access to the water.

4. Preservation and enhancement of the public's visual access to Sumner's shoreline areas should be encouraged.

5. Public access to the shoreline should be sensitive to the unique characteristics of the shoreline and should preserve the natural character and quality of the environment and adjacent wetlands.

6. Where appropriate, public access should be provided as close as possible to the water's edge without adversely affecting a sensitive environment.

7. Except for access to the water, public access trails should be located along the top of the riverbanks. Public access facilities should provide auxiliary facilities, such as parking and sanitation facilities, when appropriate, and should be designed for accessibility by handicapped and physically impaired persons. Publicly owned shorelines should be limited to water-dependent or public recreation uses, otherwise such shorelines should remain protected open space.

8. Shoreline areas that hold unique value for public enjoyment should be purchased for public use, and public access area should be of sufficient size to allow passage and allow the visitor to stop, linger, and contemplate the setting.

9. Public access afforded by shoreline street ends should be preserved, maintained and enhanced.

10. Public access should be designed to provide for public safety and to minimize potential impacts to private property and individual privacy. This may include providing a physical separation to reinforce the distinction between public and private space, achieved by providing adequate space, through screening with landscape planting or fences, or other means.

12. Public views from the shoreline upland areas should be enhanced and preserved. Enhancement of views should not be construed to mean excess removal of vegetation that partially impairs views.

Public Access Regulations

1. Public access shall be required for all shoreline development and uses, except for a single family residence or residential projects containing less than three (3) dwelling units.

2. A shoreline development or use that does not provide public access may be authorized, provided it is demonstrated by the applicant and determined by the City that one or more of the following provisions apply.

   - Unavoidable health or safety hazards to the public exist which cannot be prevented by any practical means;

   - Inherent security requirements of the proposed development or use cannot be satisfied through the application of alternative design features or other solutions;

   - The cost of providing the access, easement, or an alternative amenity is unreasonably disproportionate to the total long-term cost of the proposed development.

   - Unacceptable environmental harm such as damage to fish spawning areas will result from the public access which cannot be mitigated; or

   - Significant undue and unavoidable conflict between the proposed access and adjacent uses would occur and cannot be mitigated.

   Provided further, that the applicant has first demonstrated and the City has determined that all reasonable alternatives have been exhausted, including but not limited to:

   - Regulating access by such means as limiting hours of use to daylight hours.

   - Designing separation of uses and activities, with such means as fences, terracing, hedges, and landscaping.

   - Providing access that is physically separated from the proposal, such as a nearby street end, an offsite viewpoint, or a trail system.

   Where the above conditions cannot be met, a payment in lieu of providing public access shall be required in accordance with RCW 82.02.020.

3. Developments, uses, and activities shall be designed and operated to avoid blocking, reducing, or adversely interfering with the public's visual or physical access to the water and the shorelines. In providing visual access to the shoreline, the natural vegetation shall not be excessively removed either by clearing or by topping.

4. Public access sites shall be connected directly to the nearest public street.

5. Public access sites shall be made barrier free for the physically disabled where feasible.

6. Required public access sites shall be fully developed and available for public use at the time of occupancy or use of the development or activity.

7. Public access easements and permit conditions shall be recorded on the deed where applicable or on the face of a plat or short plat as a condition running in perpetuity with the land. Said recording with the Auditor's office shall occur at the time or permit approval (RCW 58.17.110).

8. The standard state approved logo and other approved signs that indicate the public's right of access and hour of access shall be constructed, installed, and maintained by the applicant in conspicuous locations at public access sites. In accordance with Regulation 1 above, signs may control or restrict public access as a condition of permit approval.

9. Future actions by the applicant or other parties shall not diminish the usefulness or value of the public access site.

10. Development on or over the water shall be constructed as far landward as possible to avoid interference with views from surrounding properties to the shoreline and adjoining waters.

11. Physical public access shall be designed to prevent significant impacts to sensitive natural systems.

NOTE: Additional public access regulations may be required for specific use requirements. See Chapter 7.